REMARKS

Claim Objections

Claim 51 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of previous claim 50. Original claims 50 and 51 both depend from claim 43 and specify that "the step of issuing at least one medical/surgical supply is done by scanning bar codes associated with the at least one medical/surgical supply." Applicants have herein amended claim 51 to specify that "the step of issuing at least one medical/surgical supply is done by selecting the at least one medical/surgical supply from a menu of the device". Therefore, Applicants respectfully request that the objection to claim 51 be withdrawn.

Claim Rejections – 35 USC §112

Claim 14 is rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctively claim the subject matter which applicant regards as the invention, as it is unclear what "patient step" is being referred to in line 2. Applicants have herein amended claim 14 to delete the term "step" from claim 14. Therefore, Applicants respectfully request that the rejection to claim 14 under 35 USC 112, second paragraph, be withdrawn.

Claim 15 is rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, as it is unclear what is meant by step "d", "saving the at least one medical/surgical supply to the patient selected." Applicants have herein amended claim 15 to recite "saving the at least one medical/surgical supply issued to the patient selected". Therefore, Applicants respectfully request that the rejection to claim 15 under 35 USC 112, second paragraph, be withdrawn.

Claim Rejections – 35 USC §102(e)

Independent claims 1, 15, 26, 37, 52 and 53 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Wallace et al. (U.S. Pat. No.: 6,564,121). Independent claims 1, 15, 26 , and 37 have been amended to recite that dispensing occurs at one location and issuing occurs at another location. Independent claim 52 has been amended to recite that dispensing, administering and issuing occur at different locations. Independent claim 53 has been cancelled.

The device of Wallace is a very different device from the device set forth in the instant application and therefore it is not surprising that the methods performed are very dissimilar. The device of Wallace is for the remote dispensing of packaged and non-packaged medical products using networked communication systems. All dispensing occurs at one location, the location where the dispensing device is located. The methods set forth in the claims involve a portable device that can be taken to a nursing station (one type of decentralized location – see FIG. 3 of the instant application) where medications can be dispensed for a patient. The same device can be taken to a supply room (another type of decentralized location – see FIG. 4 of the instant application) where supplies can be issued for a patient. No such functionality is disclosed or suggested by Wallace.

The independent claims have been further amended to broaden those claims in light of the dissimilarity between the invention of the instant application and Wallace.

The dependent claims have been amended to conform to the independent claims from which they depend. Because all of the independent claims remaining in the application are believed to be patentable, all of the dependent claims are also believed to be patentable.

Applicants have made a diligent effort to place the claims in condition for allowance. Accordingly, a Notice of Allowance for claims 1 - 52 is respectfully requested. If the Examiner is of the opinion that the instant application is in condition for disposition other than through allowance, the Examiner is respectfully requested to contact applicants' attorney at the telephone number listed below so that additional changes may be discussed.

Additional Information

Finally, the Examiner has stated that Applicant and the assignee of this application are required under 37 CFR 1.105 to provide an explanation of the relevance of the three items provided in the information disclosure statement dated 3/10/03. These items are "Function Specification" and "Test Plan" for the AcuScan RX System, Version 2.1 as well as the "AcuScan Bible". These documents are relevant in that they discuss the AcuScan product, which is a hand-held device used at the point of care to verify and chart medication administrations while providing a real-time medication administration record.

Respectfully submitted,

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